

I hereby certify that this correspondence is being deposited with the U.S. Postal Service with sufficient postage as First Class Mail in an envelope addressed to: Mail Stop Petition, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on:

Date: October 13, 2003

By: Valerie Peterson

Valerie Peterson

**PATENT**

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

IN RE APPLICATION OF:

Hickman, *et al.*

APPLICATION No.: 09/294,760

FILED: April 19, 1999

FOR: **METHOD, APPARATUS, DATA STRUCTURE,  
AND ARTICLE OF MANUFACTURE FOR  
MONITORING MULTIPLE ELECTRONIC  
MAIL SYSTEMS**

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OFFICE OF PETITIONS

EXAMINER: PIERRE E.  
ELISCA

ART UNIT: 3621

CONFIRMATION No.: 6481

**Petition to Revive Unintentionally Abandoned  
Application under 37 CFR §1.137(b)**

Commissioner for Patents  
Alexandria, VA 22313-1450

Sir:

1. The applicant hereby petitions for revival of the above-identified application, which apparently became abandoned on July 7, 2003, for failure to file an Appeal in response to the Notice of Appeal mailed to the U.S. Patent and Trademark Office on December 9, 2002.

2. Reply Under 37 CFR §1.137(b)(1)

Enclosed herewith is an Appeal Brief (in triplicate).

3. Fee Under 37 CFR §1.137(b)(2)

A combined check is enclosed with the fee of \$665.00 under 37 CFR 1.17(m) (small entity).

4. Statement Under 37 CFR §1.137(b)(3)

The entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR §1.137(b) was unintentional.

5. Duration of Abandonment (1203 OG 86-87, Oct. 21, 1997)

- ☐ This petition is being filed within 3 months of the date on which the applicant was first notified of the abandonment by a Notice of Abandonment mailed July 7, 2003. Under current USPTO practice, further information regarding the abandonment is not required.
- ☒ This petition is being filed more than 3 months after the applicant was first notified of the abandonment, but within 1 year of the date of abandonment. Attached hereto is a statement by Paul L. Hickman, explaining how the abandonment occurred and how it was unintentional.
- ☐ This petition is being filed more than 1 year after the apparent date of abandonment. Attached hereto is a statement by \_\_\_\_\_ explaining when the applicant or applicant's representative first became aware of the abandonment and how the delay in discovering the abandoned status occurred despite the exercise of due care or diligence on the part of the applicant or the applicant's representative.

6. Terminal Disclaimer under 37 CFR §1.137(b)(4) and (c)

- ☒ Since this application was filed on or after June 8, 1995, no terminal disclaimer is required.
- ☐ Since this application was filed before June 8, 1995, a terminal disclaimer is enclosed dedicating to the public a terminal part of the term of any patent granted hereon, and of any patent granted on a continuing application hereof, equivalent to the period of abandonment of this application.

7. Additional Fees (enclosed):

- ☒ Check No. 1848 in the amount of **\$665.00** for Petition to Revive fee(s), and Check No. 1852 in the amount of **\$165.00** for the appeal brief fee(s).
- ☒ Please charge/credit any underpayment/overpayment in fees for timely consideration of this Petition to Deposit Account No. 50-2207.
- ☒ Postcard (self-addressed stamped)

Respectfully submitted,  
Perkins Coie LLP



Paul L. Hickman  
Registration No. 28,516

Date: October 13, 2003

Correspondence Address:

Customer No. 22918  
Perkins Coie LLP  
101 Jefferson Drive  
Menlo Park, CA 94025-114  
PH: 650-838-4300

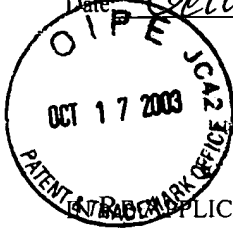
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EXAMINER: PIERRE E.

ELISCA

ART UNIT: 3621

CONFIRMATION NO.: 6481

**Statement of Paul L. Hickman In Support of Petition to Revive  
Unintentionally Abandoned Application under 37 CFR §1.137(b)**

Commissioner for Patents  
Alexandria, VA 22313-1450

Sir:

A Notice of Abandonment dated July 7, 2003, was received at Perkins Coie LLP on July 9, 2003 and was docketed On July 10, 2003, within deadline date of October 7, 2003 for revival. Due to an extremely heavy patent litigation and prosecution load, I have been over responding to Office Actions on or near their deadlines. My docket is reviewed by my secretary on a daily basis and she informs me of any imminent deadlines. My secretary was out with bronchitis from September 29, 2003 to October 13, 2003. I noted on Sunday, October 12, 2003 that the 3-month date for revival had passed, and filed this Petition and the required Appeal Brief the next day, Monday, October 13, 2003.

Respectfully submitted,

Date: October 13, 2003

Paul L. Hickman, Registration No. 28,516

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Customer No. 22918  
Perkins Coie LLP  
101 Jefferson Drive  
Menlo Park, CA 94025-114  
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